

### REMARKS

The foregoing amendments and these remarks are in response to the Office Action dated July 27, 2009. Applicants respectfully request a one month extension of time. Authorization is given to charge the appropriate fees to Deposit Account No. 50-0951.

#### I. Objections to the Specification

The specification was objected to for the informality listed in the Office Action. An appropriate correction is made herein, and withdrawal of the objection is respectfully requested.

#### II. Objections to the Claims

Claims 5-16 were objected to because of an antecedent basis issue in claim 5. This claim has been duly corrected herein, and withdrawal of the objection is respectfully requested.

#### III. Rejections based upon Art

Claims 1, 17, 18 and 22 were rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 6,643,969 to Avizonis, Jr. (hereafter "*Avizonis*"). Claims 2-10 were rejected under 35 U.S.C. §103(a) as being unpatentable over *Avizonis*. Claim 11 was rejected under 35 U.S.C. §103(a) as being unpatentable over *Avizonis* in view of U.S. Patent No. 5,526,177 to Fantone. Claims 19-21 were rejected under 35 U.S.C. §103(a) as being unpatentable over *Avizonis* in view of U.S. Patent No. 5,054,225 to Giuffre.

As discussed previously, *Avizonis* teaches when the reflective body 5 is in the "closed" position, the light is reflected from axis  $AX_1$  by mirror 5 along axis  $AX_2$  to impinge on mirror 7 where it is reflected along axis  $AX_3$ . The light thus travels back across axis  $AX_1$ , traveling through a total angle of 270 degrees, which provides a viewing angle of approximately 90 degrees relative to axis  $AX_1$ . See column 4, lines 24-40. Thus, in order for the invention of *Avizonis* to work as described it is an absolute requirement that the light paths  $AX_1$  and  $AX_3$  in fact cross over one another. The positioning of the mirror 9 on the moveable reflector body 5 requires this cross over.

To the contrary, the viewing device in the present application does not have the light paths cross over one another. This can be seen in all the figures of the present application. Accordingly, an amendment is made to claim 1 herein so as to effectively exclude any arrangement that will

result in the crossing of the light paths. This is contrary to the clear teaching of *Avizonis*, which requires the light paths to cross.

For the foregoing reasons, the independent claims are believed to relate to patentable subject matter, and to be in condition for allowance. The dependent claims are believed allowable because of their dependence upon an allowable base claim, and because of the further features recited.

#### IV. Allowable Claims

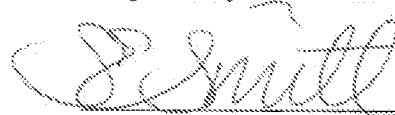
Claims 12-16 were deemed to be allowable over the cited prior art. New claim 24 is presented herein which incorporates the subject matter of allowable claim 12 together with claims 1 and 8. Claim 24 is thus believed allowable in addition to claims 12-16.

#### V. Conclusion

Applicants have made every effort to present claims which distinguish over the prior art, and it is thus believed that all claims are in condition for allowance. Nevertheless, Applicants invite the Examiner to call the undersigned if it is believed that a telephonic interview would expedite the prosecution of the application to an allowance. In view of the foregoing remarks, Applicants respectfully request reconsideration and prompt allowance of the pending claims.

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Respectfully submitted,



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